

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12697 of 2025

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Sonu Kumar Son of Vidhya Sagar Prasad, Resident of Mohalla- Jankinagar,
Police Station- Basantpur, District- Siwan.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The S.H.O. Darauli P.S., District- Siwan.

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Advocate.
For the State : Mr. Divit Vinod, AC to SC-26.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-08-2025

In the instant writ petition, the petitioner has prayed
for the following relief(s):

“(I). For a Direction upon the Respondents,
particularly Respondent No.3 to 5 to
Release the **Wagan-R** Car Vehicle
bearing **Reg. No.BR28W0944,**
Chassis No.MA3JMT31SKG182955,
Engine No.K10BN8275882 in favour
of the Petitioner which was seized in
connection with **Darauli P.S. Case**
No.137 of 2025 dated 28.05.2025



registered U/Ss 318(4), 336(3), 3(5) of BNS 2023 and Sections 30(a), 41(1) of Bihar Prohibition and Excise (Amendment) Act 2022.

(II). For any other other relief or reliefs as the Petitioner may found entitled by this Hon'ble Court be given.”

2. In support of the aforementioned relief, there is no demand before the competent authority in particularly under Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023.

3. In the absence of demand before the competent authority, the instant writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the instant writ petition stands disposed of as pre-mature.

4. Disposal of the instant writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application is submitted in the prescribed form before the competent authority, the competent authority shall pass speaking order within a period of two weeks from the date of receipt of such application.



5. With the above observation, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.08.2025.
Transmission Date	NA

